

RESOLUTION NO. 2019-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA
HABRA HEIGHTS, CALIFORNIA, ADOPTING THE 2019 TITLE
VI PROGRAM UPDATE**

WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance; and

WHEREAS, as a subrecipient of Federal Transit Administration (FTA) funding, the City of La Habra Heights is required to implement a Title VI Program that demonstrates that no transit program or service provided by the City creates discrimination toward any demographic of the population served by that program or service; and

WHEREAS, the City's Title VI Program is required to be updated every three years; and

WHEREAS, staff has prepared a new Title VI Program in accordance with FTA requirement; and

WHEREAS, the City is committed to ensuring that no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any of its programs, activities, or services on the basis of race, color, or national origin.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS, CALIFORNIA, RESOLVES AS FOLLOWS:

Section 1. The City Council adopts the City of La Habra Heights 2019 Title VI Program Update.

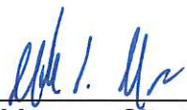
Section 2. The City Council authorizes City staff to forward a copy of the Title VI Program Update to Metro for approval as the pass-through agency for the Federal Transit Authority.

PASSED, APPROVED, AND ADOPTED this 14th day of January, 2019 by the City Council of the City of La Habra Heights in the State of California by the following vote:

AYES: COUNCIL MEMBERS: Bergman, Francis, Klingfus, Williams, and Zezula
NOES: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: None
ABSTAIN: COUNCIL MEMBERS: None


Brian Bergman, Mayor

APPROVED AS TO FORM:



Michael Maurer, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Jarad Hildenbrand, City Clerk do hereby attest to and certify the attached Resolution No. 2019-02 was adopted by the City Council of La Habra Heights on the 14th day of January, 2019.



Jarad Hildenbrand, City Clerk

1.15.19

Date

City of La Habra Heights



TITLE VI PROGRAM

**1245 North Hacienda Road
La Habra Heights, CA 90631
(562) 694-6302
www.la-habra-heights.org**

Developed: December 20, 2018

**Approved by the City Council of the
City of La Habra Heights on January 14, 2019**

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Introduction

City of La Habra Heights

La Habra Heights, located just 25 miles southeast of downtown Los Angeles, is a picturesque community. The City incorporated in 1978 in an effort to preserve the residential and rural atmosphere. The community consists of 6.2 square miles and 5,325 residents. Census Bureau data indicates that 23.5% of the City's 5,325 residents are Hispanic, 15.8% are Asian and 26.8% of the population is over the age of 60.

American Fact Finder shows that 10.3% of La Habra Heights' residents are physically disabled and 3.0% qualify as low income. Also, of the Hispanic population, 2.8% speak English less than well. The only other language group with more than 5% of people who speak English less than well is the Chinese population at 6.4%. There were no additional language groups with more than 5% or more than 1,000 people who speak English less than well within the La Habra Heights City limits.

Commitment to Civil Rights

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

The City receives federal funds for transit related services. This includes a contract with the City of Whittier for an out-of-City inter-jurisdictional taxi voucher service for eligible La Habra Heights' residents to travel to La Habra and Whittier. As such, the City is subject to the requirements of Title VI. The City's Dial-A-Ride program is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color or national origin, as protected by Title VI in FTA Circular 4702.1.B.

Administration

The City Manager is responsible for ensuring the implementation of the City's Title VI Plan. The Title VI Coordinator, designated as the Assistant City Manager, on behalf of the City Manager, is responsible for the overall management of the Title VI programs, and serves as the Title VI Liaison Officer, Americans with Disabilities Act (ADA) Coordinator and Limited English Proficiency (LEP) Coordinator. The day-to-day administration of the plan lies with the Title VI Coordinator under the direct supervision of the City Manager.

Title VI Program

This program has been prepared in accordance with Section 601 of Title VI of the Civil Rights Act of 1964 and Executive Order 13116 (Improving Access to Services for Persons with Limited English Proficiency).

General Requirements

Notice to the Public

The purpose of this notice is to make La Habra Heights DAR passengers aware of the City's commitment to Title VI compliance and of their right to file a civil rights complaint.

Notifying the Public of Rights Under Title VI

City of La Habra Heights

City of La Habra Heights operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of La Habra Heights.

For more information on the City of La Habra Heights civil rights program, and the procedures to file a complaint, contact (562) 694-6302, or visit our administrative office at 1245 North Hacienda Road, La Habra Heights, CA 90631. For more information, visit the following website: www.la-habra-heights.org.

A complainant may also file a complaint directly with the Federal Transit Administration by filing a complaint with the FTA Office of Civil Rights at:

Office of Civil Rights Region IX
San Francisco Federal Building
90, 7th Street, Suite 15-300
San Francisco, CA 94103

If information is needed in another language, contact (562) 694-6302.

Posting Locations

The City's notice to the public is currently posted at the following locations:

Location Name	Address	City
City Hall	1245 North Hacienda Road	La Habra Heights
The Park	1885 North Hacienda Road	La Habra Heights
Dial-a-Ride Vehicle	13225 Walnut Street	Whittier
City of Whittier Corporate Yard	13225 Walnut Street	Whittier

The Title VI notice and program information is also available on the City's website at www.la-habra-heights.org.

Complaints

Procedures

The Title VI complaint form and complaint procedures are available at the City Hall, 1245 North Hacienda Road, La Habra Heights, CA 90631 and on the City website at www.la-habra-heights.org.

As a recipient of federal dollars, the City is required to comply with Title VI of the Civil Rights Act of 1964 and ensure that services and benefits are provided on a non-discriminatory basis. The City has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in the Federal Transit Administration Circular 4702.1B, dated October 1, 2012.

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the City of La Habra Heights may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. The City investigates complaints received no more than 180 days after the alleged incident. The City will only process complaints that are complete.

The complaint should include the following information:

- The complainant's name, mailing address, and how to contact them (i.e., telephone number, email address, etc.);
- How, when, where and why the complainant believes he or she was discriminated against, including such information as the location, names and contact information of any witnesses;
- Other information that is deemed significant.

The Title VI complaint form may be used, but is not required to submit the complaint information.

The complaint may be filed in writing to the Title VI Coordinator at the following address:

City of La Habra Heights
Attn: Title VI Coordinator
1245 N. Hacienda Rd.
La Habra Heights, CA 90631

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by the City of La Habra Heights will be directly addressed by the City. The City shall also provide appropriate assistance to complainants, including those persons with disabilities or those who are limited in their ability to communicate in English. Additionally, the City shall make every effort to address all complaints in an expeditious and thorough manner.

A letter acknowledging receipt of complaint will be mailed within seven (7) days of receipt of the complaint. Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

Once sufficient information for investigating the complaint is received by the City, a written response will be drafted and reviewed by the City Attorney. If appropriate, a City Attorney may administratively close the complaint. In this case, the City will notify the complainant of the action as soon as possible. If the complaint is not substantiated, a letter notifying the complainant will be mailed and will include advisement of complainant's right to:

- Appeal within seven (7) calendar days of receipt of the final written decision from the City; and
- File a complaint externally with the U.S. Department of Transportation and/or the FTA.

Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

Federal Transit Administration Office of Civil Rights
Office of Civil Rights Region IX
San Francisco Federal Building
90, 7th Street, Suite 15-300
San Francisco, CA 94103

Complaint Form

Below is a copy of the City's Complaint Form which can also be found on the City's website (www.la-habra-heights.org).

CITY OF LA HABRA HEIGHTS TITLE VI COMPLAINT FORM

Section I: Please write legibly		
1. Name:		
2. Address:		
3. Telephone:	3.a. Secondary Phone (<i>Optional</i>):	
4. Email Address:		
5. Accessible Format Requirements?	<input type="checkbox"/> Large Print	<input type="checkbox"/> Audio Tape
	<input type="checkbox"/> TDD	<input type="checkbox"/> Other
Section II:		
6. Are you filing this complaint on your own behalf?	YES*	NO
*If you answered "yes" to #6, go to Section III.		
7. If you answered "no" to #6, what is the name of the person for whom you are filing this complaint? Name:		
8. What is your relationship with this individual:		
9. Please explain why you have filed for a third party:		
10. Please confirm that you have obtained permission of the aggrieved party to file on their behalf.	YES	NO
Section III:		
11. I believe the discrimination I experienced was based on (<i>check all that apply</i>): <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin		
12. Date of alleged discrimination: (<i>mm/dd/yyyy</i>)		
13. Explain what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known), as well as names and contact information of any witnesses. If more space is needed, please attach additional sheets of paper.		

Section IV:		
14. Have you previously filed a Title VI complaint with the City of La Habra Heights?	YES	NO
Section V:		
15. Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? <input type="checkbox"/> YES* <input type="checkbox"/> NO *If yes, check all that apply: <input type="checkbox"/> Federal Agency _____ <input type="checkbox"/> Federal Court _____ <input type="checkbox"/> Federal Agency _____ <input type="checkbox"/> State Court _____ <input type="checkbox"/> State Agency _____		
16. If you answered "yes" to #15, provide information about a contact person at the agency/court where the complaint was filed.		
Name:		
Title:		
Agency:		
Address:		
Telephone:		Email:
Section VI:		
Name of Agency complaint is against:		
Contact Person:		
Telephone:		

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date are required below to complete form:

Signature _____ Date _____

Please submit this form in person or mail this form to the address below:

City of La Habra Heights
Attn: Title VI Coordinator
1245 North Hacienda Road
La Habra Heights, CA 90631

List of Title VI Complaints

As of the writing of this program, there are 0 complaints pending which allege discrimination on the grounds of race, color, or national origin with the City.

Public Participation Plan

Key Principles

Community Outreach is a requirement for a Title VI Program. Title VI agencies shall seek and consider the viewpoints of minority and low-income populations in the course of conducting public outreach. Title VI agencies have wide latitude to determine what specific measures are most appropriate and should make this determination based on the composition of the affected population, the public involvement process, and the resources of the recipient.

Due to the small population size of the City, there are few changes made to the program, but the City does engage the public in its planning and decision-making processes, as well as its marketing and outreach activities.

Complaint Process

Citizens may call the Title VI Coordinator at (562) 694-6302 to lodge a complaint or comment. All complaints/comments are investigated and a response is provided to the complainant after a thorough investigation is conducted.

Public Meetings

La Habra Heights has engaged the public in the development and operation of the DAR service since its inception. The service standards detailed in this program have evolved over more than the decade DAR has been in existence, including, but not limited to actions by the La Habra Heights City Council, which hold meetings open to the public, have public comment periods and may also hold public hearings should the matter warrant.

Changes considered by the La Habra Heights City Council include, but are not limited to:

- A change in DAR service hours and/or days.
- Fare increases.
- Changes in passenger eligibility.

The City Manager has the authority to make minor schedule and service changes. La Habra Heights DAR will post service change notices on the DAR vehicles and at various locations in the community, such as La Habra Heights' City Hall, The Park, and Hillcrest Congregational Church, and in the Whittier Daily News 30 days in advance of the change date.

As well as the public meetings discussed above, La Habra Heights utilizes a variety of mediums to provide passenger outreach, both new and traditional: flyers, press releases, City publications, the City Municipal television channel, the City weekly e-newsletter *Guac Talk*, the City website and other social media outlets such as Facebook and Nextdoor. The City strives to provide the widest dissemination of information possible, depending on what sources passengers use to access information.

Addressing Comments

All comments received through the public participation process are given careful and thoughtful consideration. Because there are a number of different ways passengers or members of the community can comment on a proposed service or change (mail, e-mail, fax, public meetings and others), all comments are assembled into a single document for presentation to the City Council and other advisory bodies for consideration.

Identification of Stakeholders

Stakeholders are those who are either directly or indirectly affected by a plan or the recommendations of that plan. Those who may be adversely affected, or who may be denied benefit of a plan's recommendation(s), are of particular interest in the identification of specific stakeholders. Stakeholders can come from a few of groups, including the DAR passenger base, which includes minority residents, disabled residents and senior residents which serve the DAR passenger base. Depending upon the matter being considered, the stakeholders contacted may vary.

Stakeholders and other interested local agencies may request that a speaker from La Habra Heights DAR make a presentation by contacting (562) 694-6302.

Previous Outreach Efforts

Within the last four years, the outreach efforts of the City's Title VI Plan included its adoption. The Plan was approved by the City Council on February 10, 2015. The item was placed on the City Council meeting agenda and discussed under the Administrative Items section. A staff report was provided to the City Council, residents in attendance, as well as meeting viewers on the City's live website feed. The agenda and information about the agenda item were posted per the requirements of the 1953 Brown Act.

Language Assistance Plan

Purpose of the Language Assistance Plan

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. One critical concern addressed by Title VI is the language barrier that Limited English Proficiency (LEP) persons face with respect to accessing information about and using transit service. Transit operators must ensure that this group has adequate access to the agency's programs and activities, including public participation opportunities.

Executive Order 13166, titled “Improving Access to Services for Persons with Limited English Proficiency,” forbids funding recipients from “restricting an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program,” or from “utilize[ing] criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects to individuals of a particular race, color, or national origin.”

FTA Circular 4702.1B was developed by the Federal Transit Administration (FTA) and details the administrative and reporting requirements for recipients of FTA financial assistance to comply with Title VI and related executive orders including on LEP.

The United States Department of Transportation (DOT) published guidance that directed its recipients to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for LEP residents.

City of La Habra Heights’ Language Assistance Plan

In order to ensure meaningful access to programs and activities, and In compliance with FTA C 4702.1B guidance, the City conducted a “Four Factor Analysis to determine the specific language services that are appropriate to provide.”

Four Factor Analysis

Factor 1 – The number or proportion of LEP persons eligible to be served or likely be encountered by the program or recipient.

The first step in determining the appropriate components of a Language Assistance Plan is understanding the proportion of LEP persons who may need access to the La Habra Heights DAR service, their literacy skills in English and their native language, and, more importantly, if any passengers are underserved as a result of a language barrier.

To determine this number, the City referred to demographic information provided by the U.S. Census Bureau. Data from the Census Bureau’s American Community Survey (2010-14 and 2017) indicates that the population of the City is 5,325. From this total, residents were divided by language into those who can speak English “very well” or “less than very well.” For the purposes of determining the number of LEP persons eligible to be served, this analysis focuses on those who speak English “less than very well,” in accordance with the formal definition of LEP persons from the FTA. The analysis results showed that of the various languages spoken, none had over 1,000 speakers who could speak English “less than very well,” and only one language had over 5% of the population who could speak English “less than very well.” The City’s population who speaks Chinese and English “less than very well” is 6.4%. However, only 4.3% of the Chinese population qualifies for the DAR program. Due to this fact, the Chinese language does not meet the safe harbor threshold.

Currently, the City does not have languages that meet the LEP “Safe Harbor” threshold, as shown in the table below:

Total City Population:		5,325	
Languages Spoken	Total	Speak English “Less Than Very Well”	Percentage of Total Population
Spanish	728	148	2.8%
Chinese	645	230	4.3%

Factor 2 – The frequency with which LEP persons come into contact with the program.

The number of LEP residents taking advantage of the City’s DAR program is a very low number. The service, however, serves a vital need for these passengers, especially for medical appointments.

After discussions with residents, correspondence with the Community Service Manager in Whittier who runs their DAR program, comments during our City Council meetings and general comments from DAR users, it has been determined that there are a number of places where La Habra Heights DAR passengers who speak English “less than very well” come into contact with the La Habra Heights DAR service. These points of contact include; the actual use of the service; calls to customer service representatives and ride dispatchers; and La Habra Heights DAR informational materials. An important part of the development of La Habra Heights DAR’s Language Access Plan is the assessment of major points of contact, including:

- The use of the La Habra Heights DAR service (on-board signage, announcements and driver language skills).
- Communication with La Habra Heights DAR’s customer service staff and ride dispatchers.
- Purchase of La Habra Heights DAR passes.
- Printed informational materials.
- Web-based informational materials.
- Public meetings.

Factor 3: The nature and importance of the program, activity, or service provided by the program to people’s lives.

The comments and analysis of drop-off points has enabled the City and Whittier staff to compile a list of common destinations for DAR users. It was determined that access to La Habra Heights DAR is critical to the lives of disabled and senior La Habra Heights’ residents. These passengers depend on the La Habra Heights DAR program to travel to everyday activities, such as medical appointments, shopping and social engagements. Because of the essential nature of DAR and the importance of DAR in the lives of these La Habra Heights’ residents, there is a need to ensure that language is not a barrier to access.

Factor 4: The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

The City provides resources to LEP groups, even if not identified by the City's analysis, while maintaining cost efficiency for taxpayers. Resources may include, but are not limited to:

- Bilingual or multi-lingual representatives through the DAR Program contract with the City of Whittier.
- Professional translation services (can be implemented quickly with minimal cost).
- On-call translation services (can be implemented quickly).
- Printing services for vital documents, brochures, and other media.
 - Essential documents such as Title VI forms, Dial-A-Ride applications, proposed service/fare changes, and certain scheduling information can be made available even if they are not warranted under the LEP analysis.
- Documents, brochures, and other media of less essential importance shall be translated into other languages upon request.

Methods of Outreach

Although, languages were not identified in the Four Factor Analysis, the City can provide the following materials in Spanish and Chinese by request with advance notice:

- Vital documents including, but not limited to, Title VI Notice, Title VI Complaint Form, and Title VI Complaint Procedures.
- Instructional and informational rider materials and passenger notices, such as Dial-A-Ride applications, service brochures, and public meeting minutes and agendas.
- Service alerts.
- Public meeting notices.
- Printed information at events.
- Resident surveys.
- Oral translation services shall be provided upon request.
- Any other translation request, provided it does not create an undue financial or administrative burden.

Employee Training for Timely and Reasonable Language Assistance

The City recognizes that implementing the LEP Plan requires City staff to be prepared and well-versed in identifying the specific needs of the LEP community. To accomplish this task, the following training has been provided to all staff:

- Information on City Title VI Policy and LEP Plan responsibilities.
- Information on the Title VI complaint forms and procedures.
- Description of language assistance services offered to the public.
- Documentation of language assistance requests.
- Use of interpretative services.
- How to handle a potential Title VI/LEP Plan complaint.

Monitoring, Evaluating and Updates

In order to better serve LEP populations, the following policies in monitoring and evaluating the effectiveness of the LEP Plan:

- The City analyzes Census data as it becomes available to monitor demographic trends regarding LEP persons. Staff will add translation or other language services to affected populations as needed.
- The City engages in outreach efforts to LEP populations.
- The City monitors instances on vehicles, at the transit counter, and through contact with the customer service center, to determine which LEP populations are most frequently interacting with transit services.
- The City updates the LEP Plan every three years in accordance with FTA regulations.
- The City updates and revises the LEP Plan based on any other changes in guidance or regulations at the federal, state, or local level.

All LEP Plan changes are subject to approval by the City of La Habra Heights City Council.

Availability of this Plan

This Plan shall be made available to the public at the following locations:

City Hall	1245 North Hacienda Road	La Habra Heights
The Park	1885 North Hacienda Road	La Habra Heights
Dial-a-Ride Vehicle	13225 Walnut Street	Whittier
City of Whittier Corporate Yard	13225 Walnut Street	Whittier

Information is also available on the City’s website at www.la-habra-heights.org.

Decision Making Bodies

Major decisions regarding La Habra Heights DAR policy, service changes, fares and capital expenditures are primarily made by the elected La Habra Heights City Council. Minor decisions or changes may be made administratively by City management staff, with or without input from the above bodies, as deemed appropriate.

The current racial breakdown of the governing body is provided below. The City does not have transit-related, non-elected planning boards, advisory councils or committees, or similar committees, of which the membership is selected by the City.

Body	Caucasian	Latino	African American	Asian American	Native American	Other
City Council	100%	0	0	0	0	0

Program Specific Requirements

Determination of Site or Location of Facility

The City has not constructed a new facility (i.e. vehicle storage facility, maintenance, facility, operation center, etc.) since awarded federal grant money.

Grants, Reviews and Certifications

The City has no pending applications for financial assistance, pending FTA grants or open FTA grants.

Contact

For additional information on the City's Title VI Plan, or its efforts to comply with the Civil Rights Act of 1964 or Executive Order 13166 Improving Access to Services for Persons with Limited English Proficiency, please contact:

Fabiola Huerta
1245 North Hacienda Road
La Habra Heights, CA 90631
(562) 694-6302 ext. 233FHuerta@lhcity.org